

SENATE JOURNAL

THIRTY-SIXTH LEGISLATURE

FIRST AND SECOND CALLED SESSIONS

FIRST DAY.

Senate Chamber,
Austin, Texas,
Monday, May 5, 1919.

In obedience to the call of His Excellency, Hon. W. P. Hobby, Governor of the State of Texas, convening the Thirty-sixth Legislature in Special Session this, on the 5th day of May, 1919, the Senate met in the Senate Chamber of the Capitol in the city of Austin at 10 o'clock a. m. and was called to order by Lieutenant Governor W. A. Johnson.

Temporary Officers.

The Chair announced the appointment of the following temporary officers: Secretary, W. E. Conn of Tarrant County; Journal Clerk, T. H. Yarbrough of Montague County; Sergeant-at-Arms, M. F. Hornbuckle of Bosque County; Doorkeeper, W. H. Brummett; Calendar Clerk, Miss Lula E. Gardner of Travis County.

Roll Call.

The Chair directed the Secretary to call the roll of the Senate. A quorum was present, the following Senators answered to their names:

Alderdice.	Gibson.
Bailey.	Hall.
Bell.	Hertzberg.
Buchanan of Bell.	Hopkins.
Caldwell.	McNealus.
Carlock.	Page.
Clark.	Rector.
Dayton.	Smith.
Dean.	Suiter.
Dudley.	Westbrook.
Faust.	Williford.

Absent.

Strickland.	Witt.
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1—Spec.

Absent—Excused.

Buchanan of Scurry.	Johnston.
Cousins.	Parr.
Dorough.	Woods.
Floyd.	

Prayer by Rev. S. H. Morgan of Bastrop.

Excused.

Senator Woods for this week on account of sickness on motion of Senator Page.

Senator Parr, until May 12th, on account of important business on motion of Senator Caldwell.

Proclamation by the Governor of the State of Texas.

I, W. P. Hobby, Governor of the State of Texas, by virtue of the authority vested in me by the Constitution of the State, do hereby call an extraordinary session of the Thirty-sixth Legislature to convene in the City of Austin, Texas, at ten o'clock a. m., Monday, May 5th, A. D. 1919. The immediate necessity for convening the Legislature arises from the fact that a State election will be held May 24th, 1919, involving the adoption, or rejection, of proposed amendments to the Constitution of the State of vital importance to the citizens of Texas; and from the further fact that the present laws governing franchise are so inadequate and indefinite as to preclude, or in any event to seriously jeopardize, the right to vote of soldiers, sailors, and marines recently discharged from the army and navy. Accordingly, the Legislature is convened for the following purposes:

1. To enact a law to enable discharged soldiers, sailors and marines, who were employed in the army or navy of the United States who have been prevented from paying their

poll taxes by reason of their service in the United States army or navy, and who are otherwise qualified voters, to vote in all elections to be held in this State during the current year.

2. To consider and act upon such other matters as may be presented by the Governor, pursuant to Section 40 of Article III of the Constitution of Texas.

In Testimony Whereof, I have hereunto signed my name officially and caused to be impressed hereon the Seal of State, at the city of Austin, Texas, this 30th day of April, A. D. 1919.

W. P. HOBBY,
Governor of Texas.

(Seal.)

By the Governor:

C. D. MIMS,
Acting Secretary of State.

THE STATE OF TEXAS:
Department of State.

I, Geo. F. Howard, Secretary of State of the State of Texas, do hereby certify, That the foregoing and attached is a true and correct copy of the Proclamation issued by the Governor, W. P. Hobby, on the 30th day of April, A. D. 1919, calling an extraordinary session of the Thirty-sixth Legislature to convene in the city of Austin, Texas, at ten o'clock a. m., Monday, May 5th, 1919.

In testimony whereof, I have hereunto signed my name officially, and caused the Seal of State to be hereon impressed, at the city of Austin, Texas, this the 5th day of May, A. D. 1919.

GEO. F. HOWARD,
Secretary of State.

President Pro Tem.—Election Of.

The Chair announced that the nominations for President Pro Tem. for the ensuing Called Session were order.

Senator Clark placed in nomination for that place Senator J. M. Alderdice of Ellis County.

The nomination was seconded by Senators Westbrook, Suiter, Dean, Caldwell, Clark, Hopkins, Dayton, McNealus, Faust, Carlock, Hertzberg, Smith, Dudley, Williford, Bell, Hopkins and Page.

There being no other nominations,

the Chair declared the nominations closed.

Senators Gibson, Hertzberg and Faust were appointed as tellers.

Senator Alderdice received 25 votes, being a majority of all votes cast, and was declared to be duly and constitutionally elected President Pro Tempore of the Senate during the First Called Session of the Thirty-sixth Legislature.

The Chair appointed Senators Hopkins, Dudley and Clark as a committee to escort President Pro Tem. Alderdice to the President's stand. Whereupon he took the constitutional oath of office, administered by Lieutenant Governor Johnson.

President Pro Tem. Alderdice was presented to the Senate and made a brief address.

Report of Caucus Committee.

Senate Chamber,
Austin, Texas, May 5th, 1919.
To the Hon. W. A. Johnson, President of the Senate:

Sir: Upon the call of Senator McNealus, chairman of the last caucus held by the Texas Senate, a caucus was held on Monday morning, May 5th, 1919, at which a quorum of the Senate was present, the purpose of the caucus being to determine the number and personnel of the Senate employees and officers for the ensuing Special Session of the Thirty-sixth Senate. Senator McNealus was elected chairman of the caucus and Senator Caldwell, secretary.

The following were recommended as the officers and employees of the Senate for the ensuing Special Session.

Secretary: W. E. Conn.
Assistant Secretary: J. B. Bennett.

Journal Clerk: T. H. Yarbrough.
Assistant Journal Clerk: L. E. Weeden.

Sergeant-at-Arms: M. F. Hornbuckle.

First Assistant Sergeant-at-Arms: J. A. Kenny.

Second Assistant Sergeant-at-Arms: Captain Geo. T. Walker.

Door Keeper: W. H. Brummett.

Assistant Door Keeper: Capt. A. B. McKnight.

Calendar Clerk: Miss Lula Gardner.

Assistant Calendar Clerk: John Cofer.

Enrolling Clerk: Miss Lovedy Adams.

Assistant Enrolling Clerk: Miss Hilda McClendon.

Engrossing Clerk: Mrs. L. Dorman.

Assistant Engrossing Clerk: Miss Annie Lee Parks.

Telephone Operator: Miss Mary Jacobs.

Mailing Clerk: Mrs. W. S. Banks.

Assistant Mailing Clerk: Mrs. Lot-tie Sturdivant.

Senate Librarian: Mrs. Francis McMinds.

Post Mistress: Mrs. Clyde Smith.

Chaplin: Rev. S. H. Morgan.

It was further recommended that each Senator be permitted to name one stenographer-typist as his secretary and that such secretary act the clerk to each committee of which such Senator may be chairman.

It was further recommended that the Lieutenant Governor have exclusive appointment of such number of pages and porters as may be necessary for the dispatch of the Senate's business, and that no pages shall be over fifteen years of age.

It was further recommended that the Lieutenant Governor be permitted to select a secretary, a stenographer and a personal messenger.

It was further recommended that the Chairman of the Finance Committee be authorized a clerk to the Finance Committee and a stenographer to the Finance Committee.

It was further recommended that the employes of the Senate shall be paid a compensation of \$5.00 per day, except that the Secretary, the Journal Clerk shall, each, be paid \$7.00 per day, and the clerk to the Finance Committee shall be paid \$7.50 per day, except further that the pages and porters shall each be paid \$2.00 per day.

It was further recommended that each Senator have such time as he may desire, to make his personal appointment and that such appointment be made by handing the name of such appointee to the Secretary.

It was further recommended that the Lieutenant Governor, or the President Pro Tem. of the Senate be authorized to use any of the employes, except secretaries to the Senators, who may not be needed for the time being in their assigned places, for any other work in the Senate where their services may be required, in the judgment of the

Lieutenant Governor, or the President Pro Tem. of the Senate.

It was further recommended that 1500 copies of the Senate Journal be printed each day and that the same be pro rated among the Senators and the Lieutenant Governor.

It was further recommended that 10 copies of each bill and resolution printed by the Senate, and 25 copies of the Daily Senate Journal, be delivered to the Legislature reference section of the State Library by the Sergeant-at-Arms as soon as received by him and that additional copies of specific bills, resolutions and journals be given to the Library by the Sergeant-at-Arms, upon request from the Library for such bill, resolution, or journal.

It was further recommended that the Lieutenant Governor and each Senator in addition to the postage and stationary furnished him be allowed expenses incurred in transmitting and receiving such telegrams and telephone messages as may be actually necessary in the discharge of his official duties, not to exceed during the Called Session, the aggregate sum of \$25.00 for such messages, all bills for such telegrams and telephone messages to be paid out of the contingent fund of the Senate, when approved by such Senator incurring the same.

It was further recommended that the Lieutenant Governor and each Senator be permitted to subscribe for five newspapers, the same to be paid out of the contingent fund of the Senate.

It was further recommended that the Lieutenant Governor be authorized to fill any vacancies occurring during the session, except secretaries to Senators.

McNEALUS, Chairman.

CALDWELL, Secretary.

The report was laid before the Senate, read and on motion of Senator McNealus the report was adopted, and the Secretary was directed to cast the vote of all Senators present for the Constitutional officers, and this was done and the officers as named in the report of the caucus committee were declared elected.

Oath of Office Administered to Officers.

Here the following officers ap-

peared en masse before the bar of the Senate and took the oath of office, administered by Lieutenant Governor Johnson.

The officers sworn in being all of those named in the caucus report except J. B. Bennett, Mrs. W. S. Banks and Mrs. Frances McMinds.

Bills and Resolutions.

Simple Resolution No. 1.

Resolved that the President of the Senate appoint two committees of three each, one to notify the Governor and one to notify the House that the Senate is organized and ready for the dispatch of business.

DAYTON.

The resolution was read and adopted.

By Senators McNealus, Dayton, Johnston, Bailey, Westbrook, Page.

S. B. No. 1, A Bill to be entitled "An Act declaring that the war with the Imperial Government of Germany is within the provisions of Section 10, Article 8 of the Constitution of this State a great public calamity in all counties, cities and towns of the State, and declaring that because of said calamity and by reason of the inadequate provisions of the laws of this State the discharged soldiers, sailors and marines of this State were prevented from paying their poll taxes under the provisions of Section 2, Article 6 of the Constitution, and that by reason of the fact that Section 9, Article 10 of the Constitution of the State declares that absence on business of the United States shall not forfeit a residence once obtained so as to deprive anyone of the right of suffrage; and, therefore, declaring that said soldiers, sailors and marines should and ought not to be compelled to pay their poll taxes due or assessed against them for the years A. D. 1918 and A. D. 1919; declaring that by authority of Section 10, Article 8 of the Constitution said soldiers, sailors and marines are hereby released from the payment of the poll taxes which may have been or may be levied against them for the years A. D. 1918 and A. D. 1919; providing that it shall not be necessary for said discharged soldiers, sailors and marines, in order to exercise the privilege of

suffrage and vote at all elections held within the State of Texas during the years 1919 and 1920, to hold a poll tax receipt showing any poll tax paid before the first day of February next preceding such election, or paid at any time theretofore or thereafter; providing a method for and regulating the manner and method of voting by discharged sailors, soldiers and marines at said elections, and providing certain duties for election officers and conferring certain authority upon them with reference thereto; regulating the manner and method of counting the ballots of discharged soldiers, sailors and marines, declaring this law cumulative of all other election laws of this State, except where in conflict therewith; making this Act apply to all elections in this State general, special and primary, and providing that the invalidity of any one section of the Act shall not affect the other sections thereof; defining the words "soldiers," "sailors" and "marines" as used in this Act; conferring jurisdiction upon the Supreme Court to hear original suits of mandamus brought by anyone within the terms of this Act against any election officer or officers who declare that they will decline, or who may decline, to permit any soldiers, sailor or marine to vote hereunder; defining and creating offences in violation of this Act, and prescribing venue, jurisdiction and punishment therefor; and declaring an emergency."

Read first time and referred to committee on privileges and elections.

Senate Concurrent Resolution No. 1

Whereas, It is necessary that copy of all enrolled bills in both the House and Senate be furnished to the State Printer by the Secretary of State, and by such copy being made and so furnished by the Enrolling Clerks of both the House and Senate much time and expense will be saved the State; therefore, be it

Resolved by the Senate, the House of Representatives concurring, That the Enrolling Clerk of the Senate and the Enrolling Clerk of the House be directed and required to make carbon copies of all enrolled bills and resolutions that are sent to the Governor for his approval, and they shall furnish said copies to the Secretary

of State at the same time the original enrolled bills and resolutions are transmitted to the Governor.

CALDWELL.

The resolution was read and adopted.

Notification Committees.

The Chair appointed Senators Dayton, Page and Suiter to notify the Governor that the Senate is organized and ready to receive such messages as he may desire to transmit to it.

The Chair also appointed Senators Dean, Westbrook and Smith to notify the House that the Senate is organized and ready for the transaction of business.

Each of the above committees proceeded at once to the performance of their duties, and made report, and were discharged.

Adjournment.

At 11 o'clock a. m. the Senate on motion of Senator Caldwell, adjourned until 10 o'clock tomorrow.

SECOND DAY.

Senate Chamber,
Austin, Texas, Tuesday,
May 6, 1919.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor W. A. Johnson.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Floyd.
Bailey.	Gibson.
Bell.	Hall.
Buchanan of Bell.	Hertzberg.
Caldwell.	Hopkins.
Carlock.	Johnston.
Clark.	McNealus.
Cousins.	Page.
Dayton.	Rector.
Dean.	Smith.
Dorough.	Suiter.
Dudley.	Westbrook.
Faust.	Williford.

Absent.

Buchanan of Scurry. Witt.
Strickland.

Absent—Excused.

Parr.

Woods.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Faust.

Excused.

Senator Dorough for yesterday, on motion of Senator Suiter.

Senator Cousins for yesterday, on motion of Senator Smith.

Senator Buchanan of Scurry, for yesterday, on motion of Senator Bailey.

Senators Johnston and Floyd for yesterday, on motion of Senator Hopkins.

Petitions and Memorials.

There were none today.

Standing Committee Reports.

See Appendix.

Bills and Resolutions.

By Senators Westbrook and Dean: S. B. No. 2, A bill to be entitled "An Act to amend Section 16 of the act which was passed at the Regular Session of the Thirty-sixth Legislature, and approved the 5th day of April, A. D., 1919, which was Senate Bill No. 147, and known as the Board of Control Act, so as to provide that said Act shall become effective Jan. 1st, 1920 and not prior to that time; and declaring an emergency."

Read first time and Senator Westbrook asked that the bill be referred to the Committee on Finance.

Senator Caldwell asked that the bill be referred to the Committee on State Affairs.

Senator Westbrook moved that the bill be referred to the Finance Committee and this motion prevailed by the following vote:

Yeas—16.

Alderdice.	Faust.
Buchanan of Bell.	Floyd.
Clark.	Hall.
Cousins.	Johnston.
Dean.	McNealus.